

STUDENT DISCIPLINE

DEFINITIONS:

“Alcohol” means alcohol or any alcoholic liquor capable of being consumed by a human being, as defined in 4 Del.C. §101 including alcohol, spirits, wine, and beer.

“Alternative Placement” means the removal of a student from school on a temporary basis for a period of time as determined by the Alternative Placement Team and assignment to an Alternative Program.

"Arson" shall mean a person recklessly or intentionally damages a building by intentionally starting a fire or causing an explosion.

“Assault II” (Felony) shall mean intentionally causes serious physical injury or uses a deadly weapon or dangerous instrument during the commission of the crime.

"Assault III" shall mean: (1) A person intentionally or recklessly causes physical injury to another person; or (2) With criminal negligence the person causes physical injury to another person by means of a Deadly Weapon or a Dangerous Instrument.

"Attorney General's Report (Juvenile/Adult Arrest Warrant and Complaint)" shall mean the Department of Justice's report of out-of-school criminal conduct, regardless of jurisdiction, which shows disregard for the health, safety and welfare of others, including, but not limited to; acts of violence, weapons offenses, and drug offenses.

"Breaking and Entering" shall mean unauthorized entry of any locked area of the school environment during or after school; including, but not limited to, rooms, classrooms, auditorium, gym, shops, offices, lockers, cabinets and vehicles.

"Bullying" shall mean any intentional written, electronic, verbal or physical act or actions against another student, school volunteer or school employee that a reasonable person under the circumstances should know will have the effect of: (1) Placing a student, school volunteer or school employee in reasonable fear of substantial harm to his or her emotional or physical well-being or substantial damage to his or her property; or (2) Creating a hostile, threatening, humiliating or abusive educational environment due to the pervasiveness or persistence of actions or due to a power differential between the bully and the target; or (3) Interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities or benefits; or (4) Perpetuating bullying by inciting, soliciting or coercing an individual or group to demean, dehumanize, embarrass or cause emotional, psychological or physical harm to another student, school volunteer or school employee.

"Commission by a student" means that a student has engaged in behavior equivalent to that which is prohibited by law regardless of whether the student has been criminally convicted of the same.

"Crime" shall have the same meaning as provided in 14 Del.C. §4112.

"Criminal Drug Offense, Commission of" shall mean the Commission by a student of the unlawful Possession, Distribution, or use of Alcohol, a Drug, a Drug-Like Substance, and/or Drug Paraphernalia.

"Criminal Deadly Weapons/Dangerous Instrument Offense, Commission of" shall mean the Commission by a student of an offense prohibited by 11 Del.C. §§1442 through 1460 inclusive.

"Criminal Mischief (Vandalism)" shall mean a student, in the School Environment, intentionally or recklessly: (1) Damages tangible property of another person or entity; or (2) Tampers with tangible property of another person so as to endanger person or property.

"Criminal Sexual Offense, Commission of" shall mean the Commission by a student of an offense prohibited by 11 Del.C. §§763 through 780, inclusive, or §§1108 through 1112A, inclusive, or §1352(2) or §1353.

"Criminal Violent Felony Offense, Commission of" shall mean the Commission by a student of any violent felony as specified in 11 Del.C. §4201(c).

"Cyberbullying" shall mean the use of uninvited and unwelcome electronic communication directed at an identifiable student or group of students, through means other than face-to-face interaction, which (1) interferes with a student's physical well-being; or (2) is threatening or intimidating; or (3) is so severe, persistent, or pervasive that it is reasonably likely to limit a student's ability to participate in or benefit from the educational programs of the school district or charter school. Communication shall be considered to be directed at an identifiable student or group of students if it is sent directly to that student or group, or posted in a medium that the speaker knows is likely to be available to a broad audience within the school community.

"Dangerous Instrument" shall have the same meaning as provided in 11 Del.C. §222(4).

"Dangerous Instrument(s) Possession/Concealment/Sale" shall mean the unauthorized Possession/ sale by a student in the School Environment of any instrument, article or substance which is readily capable of causing serious physical injury or death.

"Dangerous Instrument(s) Possession/Concealment/Sale" shall mean the unauthorized Possession/ sale by a student in the School Environment of any instrument, article or substance which is readily capable of causing serious physical injury or death.

"Deadly Weapon" includes a firearm (any weapon from which a shot, projectile or other object may be discharged by force of combustion, explosive, gas and/or mechanical means, whether operable or inoperable, loaded or unloaded. It does not include a BB gun), a bomb, a knife of any sort (other than an ordinary pocketknife carried in a closed position), switchblade knife, billy, blackjack, bludgeon, metal knuckles, slingshot, razor, bicycle chain or ice pick or any "dangerous instrument" (any instrument, article or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or serious physical injury, or any disabling chemical spray or any electronic control devices including but not limited to a neuromuscular incapacitation device designed to incapacitate a person), which is used, or attempted to be used, to cause death or serious physical injury. For the purpose of this definition, an ordinary pocketknife shall be a folding knife having a blade not more than 3 inches in length.

"Deadly Weapon(s) Possession/Concealment/Sale" shall mean the Possession, concealment, or sale of a Deadly Weapon in the School Environment.

"Defiance of School Authority" shall mean: (1) A verbal or non-verbal refusal to immediately comply with a reasonable request from school personnel, or refusal to identify oneself at the request of school personnel, and/or refusal to comply with disciplinary action; or (2) A verbal or non-verbal display of disrespect and/or uncivil behavior toward school personnel which either causes a substantial disruption or material interference with school activities.

"Designated Caregiver" means, pursuant to 16 Del.C. §4902A (5), a person who: is at least 21 years of age unless the person is the parent/guardian/caregiver or legal guardian of a minor who is a qualifying patient; has agreed to assist with a patient's medical use of marijuana; has not been convicted of an excluded felony offense; and assists no more than 5 qualifying patients with their medical use of marijuana.

"Detention" shall mean the detaining of students after school hours or during non-class school hours for infractions of regulations not warranting suspensions. A detention may be used at the discretion of the teacher or the building administrator subject to the following procedures: No student will be detained after school hours until the parent/guardian/caregiver is notified. The local school administrator is responsible for notification of parent/guardian/caregiver as to the time, place, and length of the detention period. Adequate advance notice must be given so that arrangements may be made by the parent/guardian/caregiver for the student's transportation and in the event of parent/guardian/caregiver hardship in providing transportation, the local school administrator may use his discretion in executing the detention assignment.

"Disorderly Conduct" shall mean conduct in the School Environment which causes public inconvenience, annoyance or alarm or creates a risk thereof by: engaging in fighting or violent tumultuous or threatening behavior or making an unreasonable noise or an offensively coarse utterance or gesture or display or addressing, abusive language to any person present.

"Distribute", "Distributing" or "Distribution" means the transfer or attempted transfer of Alcohol, a Drug, a Look Alike Substance, a Drug Like Substance, or Drug Paraphernalia to any other person with or without the exchange of money or other valuable consideration.

"District" means Indian River School District.

"Drug" means any controlled substance or counterfeit substance as defined in 16 Del.C. §4701 including, for example, narcotic Drugs such as heroin or cocaine, amphetamines, anabolic steroids, and marijuana [and THC], and shall include any prescription substance which has been given to or prescribed for a person other than the student in whose possession it is found.

"Drug Like Substance" means any non-controlled and non-prescription substance capable of producing a change in behavior or altering a state of mind or feeling, including, for example, some over the counter cough medicines, certain types of glue, caffeine pills and diet pills. The definition of Drug Like Substance does not include tobacco or tobacco products which are governed by 14 DE Admin. Code 877 Tobacco and Smoking Policy.

"Drug Paraphernalia" means all equipment, products and materials as defined in 16 Del.C. §4701 including, for example, roach clips, miniature cocaine spoons and containers for packing drugs.

"Electronic Nicotine Delivery Systems, *ENDS*" means vapor pens, cloud pens, e-cigarette

"Expulsion" means Disciplinary Action approved by the Board of Education resulting in a student being removed from the Regular School Program for a duration not to exceed the total number of student days in a school year. A student expelled without Appropriate Educational Services shall be unenrolled from the district/charter during the term of the expulsion. Regardless of whether without or with services, including Alternative Placement, the expelled student is not eligible to enroll in any other Delaware public school during the period of the Expulsion and until any reasonable terms of the Expulsion are fulfilled

"Extortion" shall mean to obtain or attempt to obtain money, goods, services, or information from another by force or the threat of force.

"Felony Theft (\$1500 or more)" shall mean: (a) When a person takes, exercises control over or obtains property of another person intending to deprive that person of it or appropriate it; or (b) When a person, in any capacity, legally receives, takes, exercises control over or obtains property of another which is the subject of Theft, and fraudulently converts the property to the person's

own use. The Theft is considered a felony when the value of the property received, retained, or disposed of is \$1500 or more or the victim is 62 years of age or older, or an "adult who is impaired" as defined in § 3902(2) of Title 31, or a "person with a disability" as defined in § 3901(a)(2) of Title 12.

"Fighting" shall mean any aggressive physical altercation between two or more individuals.

"Firearm" has the same meaning as firearm as that term is defined in the federal Gun Free Schools Zone Act at 18 U.S.C.A. §921.

"Gambling" shall mean participation in games of chance for money or other things of value.

"Gun Free Schools Violation" shall mean students are prohibited from bringing a Firearm into the School Environment, or have Possession of a Firearm while in the School Environment.

"Harassment" shall mean any actions or statements made with the intent to harass, annoy, or alarm another person which: A) insults, taunts, or challenges the other person or; B) is a cause of alarming or distressing conduct which serves no legitimate purpose and is done in a manner which the actor knows is likely to provoke a violent or disorderly response or cause a reasonable person to suffer fear, alarm, or distress.

"Hate Speech/Conduct"- Verbal or electronic communication and/or actions directed toward a member or members of a protected class of individuals for the explicit purpose of creating alarm, fear and/or causing emotional distress.

"Indecent Exposure in the 1st Degree" (Class A Misdemeanor) shall mean a male who exposes his genitals or buttocks to a person who is less than 16 years of age under circumstances in which he knows his conduct is likely to cause affront or alarm. Also, a female who exposes her genitals, breast or buttocks to a person who is less than 16 years of age under circumstances in which she knows her conduct is likely to cause affront or alarm.

"Indecent Exposure in the 2nd Degree" (Unclassified Misdemeanor) shall mean a male who exposes his genitals or buttocks under circumstances in which he knows his conduct is likely to cause affront or alarm to another person. Also, a female who exposes her genitals, breast or buttocks under circumstances in which she knows her conduct is likely to cause affront or alarm to another person.

"Inhalant Abuse" shall mean chemical vapors that are inhaled for their mind-altering effects.

"Insubordination" means the act of disobeying authority.

"Look Alike Substance" means any non-controlled substance which is packaged so as to appear to be, or about which a student makes an express or implied representation that the substance is, a drug or a non-controlled substance capable of producing a change in behavior or altering a state of mind or feeling.

"Medical Marijuana Oil" means any of the following:

- a. "Cannabidiol oil" which is a processed Cannabis plant extract that contains at least 15% cannabidiol but no more than 7% tetrahydrocannabinol, or a dilution of the resin of the Cannabis plant that contains at least 50 milligrams of cannabidiol per milliliter but not more than 7% tetrahydrocannabinol.
- b. "THC-A oil" which is a processed Cannabis plant extract that contains at least 15% tetrahydrocannabinol acid but not more than 7% tetrahydrocannabinol, or a dilution of the resin of the Cannabis plant that contains at least 50 milligrams of tetrahydrocannabinol acid per milliliter but not more than 7% tetrahydrocannabinol.
- c. Any change in the oil formulation which is made by the Delaware Department of Health and Social Services.

"Medications: Inappropriate Use or Possession" shall mean possessing or using non-prescription medication or prescription drugs of any type in the school environment in violation of 14 DE Admin. Code

"Misuse of Technology" shall mean: The use of school technology equipment in: Soliciting, using, receiving or sending pornographic or obscene material; or Accessing unauthorized email; or The unauthorized downloading and/or installing of files; or Intentionally damaging technology equipment in the School Environment; or A situation in which a student deliberately: Tamper with, damages, alters, accesses, crashes, or corrupts the computer/communications system in the School Environment resulting in the loss or corruption of information or the ability of the system to operate; or In any way disrupts or degrades the school or district's technology infrastructure.

"Non-prescription Medication" means any over the counter medication that can be sold legally without a prescription; some of these medications may include "Drug Like Substance."

"Offensive Touching" shall mean intentionally touching another person either with a member of his or her body or with any instrument, knowing that the person is thereby likely to cause offense or alarm to such other person; or Intentionally striking another person with saliva, urine, feces or any other bodily fluid, knowing that the person is thereby likely to cause offense or alarm to such other person.

"Pornography" shall mean the Possession, sharing, or production of any known obscene material in the School Environment.

"Possess", "Possessing", or "Possession" means that a student has on the student's person, in the student's belongings, or under the student's reasonable control prohibited by placement of and knowledge of the whereabouts of, Alcohol, a Drug, a Drug Like Substance, a Look Alike substance, or Drug Paraphernalia.

"Prescription Medications" means any substance obtained directly from or pursuant to a valid prescription or order of a practitioner, as defined in 16 Del.C. §4701(24), while acting in the course of his or her professional practice, and which is specifically intended for the student in whose possession it is found.

"Rape or Attempted Rape" shall respectively mean sexual intercourse and attempted Sexual Intercourse without consent of the victim in both cases.

"Reasonable Suspicion" exists if there are reasonable grounds for suspecting that the student has violated the law or school rules. The search as actually conducted must then be reasonably related in scope to the circumstances which justified it in the first place.

"Reckless Burning" shall mean when a person intentionally or recklessly starts a fire or causes an explosion and recklessly places a building or property in danger of destruction or damage or places another person in danger of physical injury.

"Relative Caregiver" means an individual who meets the criteria and requirements of 14 Del.C. §202 (f)(1).

"Repeated Violations of Student Code of Conduct" shall mean five or more violations of the school's Code of Conduct within a school year, excluding chronic infractions for tardiness or unexcused absences to school/ class.

"School Environment" means within or on school property, and at school sanctioned or supervised activities, including, for example, on school grounds, on school buses, at functions held on school grounds, at extracurricular activities held on and off school grounds, on field trips and at functions held at the school in the evening.

"Sexual Act" means (1) contact between the penis and the vulva or the penis and the anus, and for purposes of this definition contact involving the penis occurs upon penetration, however slight; (2) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; or (3) the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to arouse or gratify the sexual desire of any person.

"Sexual Assault" shall mean any unwanted sexual behavior committed by a perpetrator who is a stranger to the victim or by a perpetrator who is known by the victim or related to the victim by blood, marriage or civil union. Behaviors that fall under this definition include but are not limited to: sexual harassment as defined in §763 of Title 11; sexual contact as defined in §761(f) of Title 11; Sexual Intercourse as defined in §761(g) of Title 11; sexual penetration as defined in §761(i) of Title 11; and child sexual abuse as defined in §901 of Title 10

"Sexual Intercourse" shall have the same meaning as provided in 11 Del.C. §761(g).

"Sexual Misconduct" shall mean a consensual sexual act(s) between two individuals within the School Environment.

"Sexual Offense" means any offense defined by 11 Del.C. §§763-780 and §§1108-1112A, 1352(2) and 1353.

"Stealing" means taking, exercising control over or obtaining property of another person intending to deprive that person of it or appropriate it.

"Steroids Possession and/or Use" shall mean the unlawful Use or Possession of steroids.

"Student Code of Conduct" means the district/charter school approved document which specifies the rights and responsibilities of students, defines conduct that disrupts/threatens a positive/safe School Environment, standardizes procedures for consequences and Disciplinary Action, and defines due process and Grievance procedures.

"Suspension" shall mean a temporary separation from school for violations of school regulations or public law dealing with school operations.

"Suspension, Long-term (Long-term Suspension)" means Disciplinary Action approved by the Superintendent upon recommendation of the Principal or their designee or District Alternative Placement Team resulting in the student being removed from the Regular School Program for eleven (11) consecutive school days or more and not to exceed the total number of school days in a school year.

"Suspension, Short-term (Short-term Suspension)" means Disciplinary Action approved by the Principal or their designee or School Discipline Committee resulting in the student being removed from his Regular School Program for at least one (1) school day and not more than ten (10) consecutive school days. Student maintains enrollment in district/charter, but is excluded from all school activities including, but not limited to extracurricular sports/programs, field trips, and ceremonies. Student is not allowed on School Property when Short-term Suspension is out-of-school.

“Tampering with Public Records” shall mean a person knowingly without valid authorization removes, mutilates, destroys, conceals, makes a false entry in or falsely alters any original record or other written material filed with, deposited in or otherwise constituting a record of a public office or public servant.

"Teen Dating Violence" shall mean assaultive, threatening or controlling behavior, including stalking as defined in 11 Del.C. §1312, that one person uses against another person in order to gain or maintain power or control in a current or past relationship. The behavior can occur in both heterosexual and same sex relationships, and in serious or casual relationships.

"Terroristic Threatening" shall mean when: (1) A person threatens to commit any Crime likely to result in death or in serious injury to person or property; or (2) A person commits an act with intent of causing an individual to believe that the individual has been exposed to a substance that will cause the individual death or serious injury.

"Terroristic Threatening - Security Threat" shall mean when a person makes a false statement or statements: (1) Knowing that the statement or statements are likely to cause evacuation in the School Environment; (2) Knowing that the statement or statements are likely to cause serious inconvenience in the School Environment; or (3) In reckless disregard of the risk of causing terror or serious inconvenience in the School Environment.

“Theft” means those acts described in 11 Del.C. §§ 841 through 846 inclusive.

“Unauthorized” shall mean without having official permission or approval by district/school authorities, or other knowingly or unknowingly involved parties.

"Unlawful Sexual Contact III" shall mean when a student has sexual contact with another person or causes the victim to have sexual contact with the student or a third person and the student knows that the contact is either offensive to the victim or occurs without the victim's consent.

“Unsafe Items” means items which can used (*or attempted to use*) to cause injury, i.e., fireworks, firecrackers, a folding pocketknife with blade “3” or less, etc.

"Use" means that a student is reasonably known to have ingested, smoked or otherwise assimilated Alcohol, a Drug or a Drug Like Substance, or is reasonably found to be under the influence of such a substance.

"Use and/or Possession of a Drug and/or Alcohol and/or Drug Paraphernalia" shall mean, that in the School Environment, a student unlawfully Possesses, Uses or is under the influence of Alcohol, a Drug, Drug Paraphernalia, or any substance or paraphernalia consistent with the definitions of these substances or paraphernalia.

“Violation of Behavior Contract” shall mean the failure of a student to comply with the provisions of any behavior contract between the student, parent/guardian/caregiver and the school.

PHILOSOPHY OF DISCIPLINE

The Indian River School District believes that the most effective discipline programs are preventative, clear and flexible enough to accommodate differences in specific situations while maintaining a safe school environment conducive to learning. To achieve this, the IRSD believes students, parents/guardians/caregivers, teachers, support staff and administrators are responsible for developing and maintaining cooperative roles in promoting behavior that encourages a focus on student learning while supporting students in realizing their individual potential and developing into responsible and educated citizens. Therefore:

- School officials are granted the authority to maintain an orderly and safe educational environment that considers student conduct as an essential developmental aspect of learning and citizenship.
- Students have the right to be informed about violation of rules and regulations and be granted the right to a hearing prior to expulsion.
- Minor infractions and misconduct may be handled through conferences with teachers and administrators.
- Procedures for handling infractions may vary in formality in accordance with the seriousness of the action.
- Procedures for the disciplinary action shall be conducted in accordance with the judicial concept of *innocent until proven guilty*.
- Students shall have the right to an education and any disciplinary action regarding their conduct which hampers that right shall be reasonable and within the laws of the State.
- Disciplinary action shall be fair, consistent, and appropriate to the infraction or offense; and follow the district’s *Code of Conduct*.

EFFECTIVE IMPLEMENTATION

Students and their parents, guardians or caregivers will be notified of the District’s policies and state regulations at the beginning of each school year, and when the student enrolls or re-enrolls during a school year.

For this discipline policy to be effectively implemented, IRSD leadership believes parents/guardians/caregivers should be informed at the earliest indication of a discipline problem. In

classroom situations where progressive discipline should be used, teachers are responsible for contacting parents/guardians/caregivers by phone or by holding a parent/guardian/caregiver conference, to discuss the behavior(s) and develop a mutual understanding of expectations, and how the parent/guardian/caregiver can best support the student and teacher in meeting these expectations. The teacher should also communicate the next discipline steps if the behavior(s) continues. The teacher should document these conversations. Likewise, administrators are strongly encouraged to follow the same procedures with parents/guardians/caregivers.

STUDENTS WITH DISABILITIES

This policy applies to all students except with respect to children with disabilities, as afforded by applicable federal and state laws.

The district's policies and procedures involving student discipline will be applied to students with disabilities in a manner consistent with state and federal law, including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, and Title 14, Chapter 31 of the Delaware Code. Students with disabilities will, as applicable, be afforded the procedural safeguards available to them by state and federal law. Such procedural safeguards may include the right to a manifestation determination prior to a change in the student's educational placement for disciplinary reasons.

SCOPE OF THE INDIAN RIVER SCHOOL DISTRICT'S DISCIPLINE POLICY

The policy is in effect in all of the schools in the Indian River School District. It is also in effect away from school property at any activity, function or event supported or sponsored by the Indian River School District. If a student violates the discipline policy outside of their own school while participating in a district or school-sponsored event, the incident will be reported to the school in which the student is enrolled. The Principal or their designee of the student's enrolled school will investigate the case and then administer the case through to its completion.

Additionally, the policy shall also apply to student conduct that is unaffiliated with a district or school-sponsored event if the district believes that the student shows disregard for the health, safety, and welfare of others including, but not limited to, violence, weapons, and drug offenses. In such cases, the district may take appropriate action including expulsion.

STUDENT RESPONSIBILITY

Students are expected to conduct themselves in an orderly, safe and responsible manner. Students are expected to attend classes daily and on time. Students are prohibited from loitering in the hallways at any time. Students are also responsible for their possessions. Students have the right to privacy in their

personal possessions unless the Principal or their designee/designee has reasonable suspicion of a student to be in possession of any item that may be in violation of the district policy.

The district presumes a student possesses, and is therefore responsible for all items found in the student's book bag/purse or similar bag or container used to carry books or personal property. The student should regularly check the contents of their book bag/purse. Failure to secure one's book bag/purse, or the act of providing others access to one's book bag/purse, does not eliminate responsibility for items found in the book bag/purse.

Student motor vehicle use to, in, and from the school environment is a privilege which may be extended by school districts to students in exchange for their cooperation in the maintenance of a safe school atmosphere. The building Principal or their designee shall be the determiner in issuing student-parking privileges on school grounds. Such privileges may be provided or revoked at the Principal or their designee's discretion. Reasonable suspicion of a student who may be in possession of prohibited items and a violation of a district policy may result in the student being asked to open an automobile in the school environment to permit school authorities to search for such items. Failure to open any part of the motor vehicle where such items may be located at the request of school authorities may result in the police being called to conduct a search, and will result in loss of the privilege to bring the vehicle on campus. The district presumes a student possesses, and is therefore responsible for, all items in the student's motor vehicle. The presumption applies to any car a student drives to school without regard to who owns the car. Before a student brings a car to school or a school activity, they should carefully inspect the car. If a student fails to lock one's car, the student remains responsible for items found in the car.

Student lockers are the property of the school and may be subjected to search at any time with or without reasonable suspicion. The district presumes a student possesses, and is therefore responsible for all items found in their locker. A student should regularly check the contents of their locker. If a student does not lock one's locker, the student remains responsible for items found in the locker.

A student who refuses a search is subject to discipline outlined in the District's Code of Conduct and may warrant a referral to law enforcement.

*SEARCH AND SEIZURES

1. Law enforcement officers in reliance upon probable cause that a crime is, has, or is about to be committed, may search for evidence of that crime. Whenever reasonable, a search warrant issued by a court of competent jurisdiction will be sought before a search is conducted. As a general policy and when agreed upon to do so, a school official will accompany the law enforcement officer on searches that are conducted on school property. School officials will not participate in the actual search unless specifically requested to do so by the police.

2. Efforts should be made by police and school administrators to conduct searches in a manner that will minimize disruption of the normal school routine and will minimize embarrassment to students affected.
3. A frisk (pat-down) may be conducted by the police when the officer has reason to believe that the person being encountered is armed or presents a risk of injury to the officer or an innocent third party. The Principal or their designee may, at any time, conduct such searches as are essential to the safety, security, discipline, and sound administration of the particular school. Upon completion of such searches, the Principal or their designee shall notify the student's parent/guardian/caregiver of the search and reason for the search. The appropriate police agency will respond to a request from a school official conducting an administrative search when the official feels that the search might reveal a violation of the law.

Students of majority age, i.e., age 18 or older, are responsible for their own actions. All such students will be treated as adults for purposes of reporting violations of this policy and of the law to the police. Such students shall also be on notice that their parent/guardian/caregiver will be notified (if their address and/or telephone number is known to the school) of the student's actions in accordance with this policy.

POLICY FOR USE OF CORPORAL PUNISHMENT

Under Delaware Code, no public-school teacher, administrator, official employee or agent of the School Board may subject a student enrolled in the school district to corporal punishment. Corporal punishment is defined as the intentional infliction of physical pain which is used as a means of discipline. "Corporal punishment" includes, but is not limited to, paddling and slapping, when used as a means of discipline.

Authority:

Every teacher, administrator, official employee, or agent of the Indian River School District Board of Education shall have the right to exercise authority over a student as to control behavior and discipline during any school activity in the following manner:

- Using reasonable and necessary force to quell a disturbance, including, but not limited to a physical altercation, or prevent an act that threatens imminent bodily harm to any person.
- Using reasonable and necessary force to obtain possession of a weapon, or other dangerous object within a pupil's control;
- Using reasonable and necessary force for the purpose of self-defense or the defense of others;
- Using reasonable and necessary force for the protection of property;
- Using reasonable and necessary force to prevent a pupil from imminently inflicting bodily harm on himself or herself;
- Using reasonable and necessary force to protect the bodily safety of others; or
- Using incidental, or minor physical injury to maintain order and control.

DRUG AND ALCOHOL ABUSE BY STUDENTS

The following paragraphs on the possession, use, or distribution of drugs/drug paraphernalia and alcohol shall apply to the school environment of the Indian River School District. The possession, use and/or distribution of alcohol, a drug, a drug-like substance, a look-alike substance and/or drug paraphernalia are wrong and harmful to students and are prohibited within the school environment. Such substances have the potential of producing, if used:

- a change in behavior
- a stimulating or depressing effect on the central nervous system
- a physical dependence
- a high psychological dependence

The following statements further describe the district's policy in that regard.

- (1) All prescription or non-prescription drugs are to be secured through the office of the school nurse. Authorized drugs are those prescribed to a student by a licensed physician or that which can be purchased over the counter and for which the student has written permission from a parent/guardian/caregiver. In all cases, all medications should indicate the dosage or amount prescribed, and are to be delivered to the school nurse and administered as per physician's/parent's/guardian's/caregiver's written order. Violation of this policy could result in disciplinary action up to and including expulsion. All medications not reported to the nurse will be considered unauthorized.
- (2) Students are permitted to have discretionary use and possession of an asthmatic quick relief inhaler with an individual prescription label, an auto-injectable epinephrine with individual prescription label, or an insulin pump for continuous subcutaneous insulin infusion ("insulin pump"), Hand Sanitizer, or other medication supported with appropriate documentation that is required to be nearby in case of emergency; provided, nevertheless, that the student uses the inhaler, auto-injectable epinephrine, or an insulin pump or other medication supported with appropriate documentation that is required to be nearby in case of emergency pursuant to prescription or written direction from a state licensed health care practitioner; a copy of which shall be provided to the District; and further provided that the parents/guardians/caregivers of such student provide the District with written authorization for the student to possess and use the inhaler, auto-injectable epinephrine, or an insulin pump or other medication supported with appropriate documentation that is required to be nearby in case of emergency at such student's discretion or under the school nurse's supervision, together with a form of release satisfactory to the District releasing the District and its employees from any and all liability resulting or arising from the student's discretionary use and possession of the inhaler, auto-injectable epinephrine, or an insulin pump, or other medication supported with appropriate documentation that is required to be nearby in case of emergency and further provided that the school nurse may impose reasonable limitations or restrictions

upon the student's use and possession of the inhaler, auto-injectable epinephrine, or an insulin pump based upon the student's age, level of maturity, behavior, or other relevant considerations. Parents/guardians/caregivers shall not be required to provide or sign a form of release where the student's use and possession of an asthmatic quick relief inhaler, auto-injectable epinephrine, or insulin pump or other medication supported with appropriate documentation that is required to be nearby in case of emergency is determined by the student's IEP or Section 504 Team to be necessary for the student's educational placement. Except as provided for in a student's Section 504 Plan or IEP, the school nurse may not unilaterally impose limitations or restrictions on a student's use and possession of an asthmatic quick relief inhaler, auto-injectable epinephrine, an insulin pump, or other medication supported with appropriate documentation that is required to be nearby in case of emergency if a Section 504 or IEP Team has determined the use of the medication is necessary for the student's educational placement. For students who use prescribed asthmatic quick relief inhalers, auto-injectable epinephrine, or an insulin pump for continuous subcutaneous insulin therapy or Hand Sanitizer, refer to 14 DE Admin. Code 817.

- (3) Other provisions of this policy related to consumption and distribution will still be in effect. Federal and/or state regulations and guidelines may exempt students in certain circumstances from having to store their medication in the nurse's office as they may need quick access. In those cases, specific criteria must be met and a signed consent from the physician, Parent/Guardian/Caregiver, and nurse must be in place prior to the student having such medications on their person with the exception of a Section 504 accommodation or when an IEP Team has determined the use of the medication is necessary for the student's educational placement (see 14 DE Admin Code 817). Other provisions of this policy related to consumption and distribution will still be in effect.
- (4) A student shall not knowingly possess, use, distribute/attempt to distribute, or be under the influence of any narcotic drug, hallucinogenic drug, opiate, amphetamine, barbiturate, marijuana, alcoholic beverage, diet pills or intoxicant of any kind; or any other substance, legal or illegal with or without consideration, upon the express or implied representation that the substance is a narcotic drug, an hallucinogenic drug, opiate, amphetamine, barbiturate, marijuana, alcoholic beverage, diet pills, intoxicant of any kind.
- (5) Any student who violates the receipt, possession or use provisions of this policy for the first time may be offered a 1st Offense waiver in lieu of an expulsion hearing. The conditions of the 1st Offense Waiver include:

Pre-K to 5th Grade:

- Up to three (3) days Out of School Suspension
- Successful completion of school-based counseling
- Social probation during period of suspension

Grades 6 through 12:

- Up to three (3) days Out-Of-School Suspension

- Enrollment/successful completion of a district approved course of instruction or program of rehabilitation appropriate for the type of violation
 - Completion of a five (5) day placement at CAMP (Character Academic and Motivational Program)
 - Social probation during period of suspension and CAMP placement
- (6) In the event the student refuses to accept the first-time waiver option, the student will receive a ten (10) day Out-Of-School suspension and may be followed by a recommendation for a discipline hearing to consider for expulsion not to exceed 180 school days from the date of the incident and state or local police referral for appropriate action.
- (7) If the student fails to show satisfactory evidence that they is participating in an approved program, or the student violates this policy a second time, or subsequent time, during his or her school career, the student will receive a mandatory Out-of-School Suspension and the Superintendent may refer the student for a discipline hearing to consider expulsion not to exceed 180 school days from the date of the incident.
- (8) Any student who distributes or attempts to distribute under the provisions of this policy shall be subject to a ten (10) day out-of-school suspension, a state or local police referral for appropriate action, may be assigned to alternative placement, or may be referred for expulsion for a period not to exceed 180 school days from the date of the incident. The Board of Education under these violations may offer the option described under paragraph 5 which concerns waiver of expulsion.
- (9) All alcohol drugs, drug-like substances, look-alike substances and/or drug paraphernalia found in a student's possession shall be turned over to the Principal or their designee and be made available in the case of a medical emergency for identification. All substances shall be sealed and documented and, in the case of substances covered by 16 Del. C. Ch. 47, turned over to police as potential evidence. A request for analysis shall be made where appropriate.
- (10) Any student who is found consuming beyond the prescribed or recommended dosage, or is found to be under the influence of, selling or distributing any substance which alters or is intended to alter performance such as steroids, stimulants, amphetamines, diuretics, and related compounds, any of which are found on the NCAA list of banned drugs may be suspended from school and subject to disciplinary action up to and including assignment to alternative placement or expulsion as provided for in this drug and alcohol/palcohol abuse by students policy.

Each Principal or their designee will be responsible for notifying all students of this policy by conducting an assembly each year, on or before September 15th, during which time students are given information about this section and consequences of its violation. Parents/guardians/caregivers shall also be notified. Students who enroll or re-enroll during the year shall be notified also.

The Superintendent shall be responsible for developing regulations governing the approval

procedure for alcohol/drug abuse treatment programs, the monitoring of student participation in those programs and other procedures necessary to carry out this section of the policy. A program of assistance will be provided for students with counseling and referral services as needed.

Definitions:

- (1) “Designated Caregiver” means, pursuant to 16 Del. C. §4902(A)(5), a person who is at least twenty-one (21) years of age unless the person is the parent or legal guardian of a minor who is a qualifying patient; has agreed to assist with a patient’s medical use of marijuana; has not been convicted of an excluded felony offense; and assists no more than five (5) qualifying patients with their medical use of marijuana.
- (2) “Medical Marijuana Oil” means any of the following:
 - a. “Cannabidiol oil” which is a processed Cannabis plant extract that contains at least 15% cannabidiol but no more than 7% tetrahydrocannabinol, or a dilution of the resin of the Cannabis plant that contains at least 50 milligrams of cannabidiol per milliliter but not more than 7% tetrahydrocannabinol.
 - b. “THC-A oil” which is a processed Cannabis plant extract that contains at least 15% tetrahydrocannabinol acid but not more than 7% tetrahydrocannabinol, or a dilution of the resin of the Cannabis plant that contains at least 50 milligrams of tetrahydrocannabinol acid per milliliter but not more than 7% tetrahydrocannabinol.
 - d. Any change in the oil formulation which is made by the Delaware Department of Health and Social Services.

Designated Caregiver may possess for the purpose of administering and may administer to a minor qualifying patient Medical Marijuana Oil in a school bus and on the grounds or property of the preschool, or primary or secondary school in which a minor qualifying patient is enrolled. The Designated Caregiver shall not be a school nurse or other school employee hired or contracted by a school unless he or she is a parent or legal guardian of the minor qualifying patient, and said parent or legal guardian possesses no more than the number of dose(s) prescribed per day of Medical Marijuana Oil which is kept at all times on their person.

SCHOOL BUS DISCIPLINE

Recognizing that pupil safety and welfare on school buses depend, to some degree on the conduct of pupils themselves, and that misbehavior which distracts a school bus driver is a serious hazard to the safety of all passengers, the Indian River School Board, herewith established the following as a means of uniformly dealing with school bus discipline problems:

School bus transportation is a privilege extended to all pupils who qualify for same under state law. This privilege may be suspended temporarily or for the remainder of the year for violations of 'School Bus Safety Regulations.' The 'Student Code of Conduct' of the Indian River School District shall be in effect on every school bus transporting Indian River School District students or at any designated Indian River School District school bus stop.

Violations of the 'Bus Safety Regulations' are to be submitted by the bus driver on a discipline report form to the appropriate Principal or their designee as soon as practical. Administrators alone have authority to invoke school bus suspensions. When suspensions from school bus transportation are invoked, parents/guardians/caregivers will be responsible for providing transportation to and from school.

EXTRA-CURRICULAR ACTIVITIES

A student must be in school one-half day of the extra-curricular event, or the last day preceding the event if the activity occurs on a non-school day, to be eligible to participate in any extra-curricular activity after regular school hours unless authorized by the Principal or their designee. One half day is defined as three (3) hours for students who will be participating in any extra-curricular event. Any student representing the school or attending any extra-curricular activities is subject to the jurisdiction of the school during all aspects of participation. Normal disciplinary measures will apply to breaches of acceptable behavior and will include the possibility of being denied the privilege of further participation in or attendance at said activity. The Principal or their designee shall make this determination.

PRINCIPAL OR THEIR DESIGNEE'S PRELIMINARY DISCIPLINE INVESTIGATION

"Disciplinary Action" means the student identified for Short or Long-Term Suspension, Expulsion, or Alternative Placement who may be excluded from all school activities, including but not limited to, extracurricular sports/programs, field trips, and ceremonies; is not allowed on School Property unless placed in an Alternative Placement on School Property.

Investigatory Procedures & Timeline:

In any instance when student Disciplinary Action which may result in removal of the student out of the regular school program for one day or more is contemplated, the Principal or their designee will conduct a preliminary investigation to determine if there is reasonable basis to pursue disciplinary action.

The Principal or their designee may remove the allegedly offending student from the general student population while conducting the preliminary investigation if the student's presence in the school environment poses a threat to the health, safety, or welfare to persons or property within the school

environment, as determined by the Principal or their designee. The Principal or their designee will provide initial due process.

The investigation shall be completed within three (3) school days of the date the incident in question was reported, provided the students are in attendance at school.

SUSPENSION

The Principal or their designee may impose a Short-term Suspension on any student in the school who has violated the school's Student Code of Conduct. The duration of the Short-term Suspension shall not be more than ten (10) consecutive school days for any single conduct violation or combination of violations which occurred during a single disciplinary incident. The student maintains enrollment in district, but is excluded from all school activities including, but not limited to extracurricular sports/programs, field trips, and ceremonies. The student is not allowed on school property when Short-term Suspension is out-of-school. A Short-term Suspension requires initial due process procedures as follows:

Before the student is removed from the school for one day or more,

- (1) the student will have had prior an opportunity to be informed in accordance with the established Student Code of Conduct rules and/or regulations;
- (2) the administrator/designee will inform, orally or in writing, the student of the allegation(s) against him/her, the conduct which forms the basis of the allegation(s), and the policy, rule, or regulation violated; and
- (3) the student will be given an explanation of the evidence supporting the allegation(s) and an opportunity to present their side of the story including any evidence.

A student whose presence in the school environment poses a threat to the health, safety, or welfare to persons or property within the school environment, as determined by the Principal or their designee, may be immediately removed from school and initial due process procedures will be provided as soon as practicable thereafter.

The Superintendent or designee may temporarily extend the student's short-term suspension beyond the ten-school day limit pending an Alternative Placement Meeting decision or the district's Board of Education decision regarding an expulsion hearing or other formalized Disciplinary Action hearing for the student.

Notification of Suspension

When a student receives a suspension from school (in or out-of-school), reasonable attempts to provide verbal notification to the parent shall be made by the Principal prior to the suspension being served. Written notification of the suspension and information regarding the district's appeal or grievance process will be given or sent to the parent/guardian/caregiver as soon as practicable, but no later than three business days. The notification shall state the cause and duration of the suspension. The

parent/guardian/caregiver or student may appeal the suspension to the next administrative level in accordance with the district appeal or Grievance process, located within this policy and the District wide Student Code of Conduct.

Prior to the student's return from an out-of-school Suspension of three (3) school days or more, the Principal or their designee shall hold an in-person or phone conference with the parent/guardian/caregiver and student. A definite time, date, and place for the conference shall be designated by the Principal or their designee. The Principal or their designee may waive this conference requirement.

SUSPENSION PROGRAMS

The Board of Education of the Indian River School District will conduct two (2) suspension programs and school administration may use either of these depending upon the severity and/or number of previous disciplinary offenses of a student.

In-school Suspension

Indian River School District schools will conduct In-School Suspensions (ISS) as a strategy for addressing identified student behaviors violating the district's *Code of Conduct* while keeping students in the school environment.

In-School Suspensions occur at the student's school site under the supervision and support of an administrator-designated staff member in a location that removes participating students from their normal school schedule while still providing them with the opportunity to make academic progress through the completion of assignments and academic tasks.

Students in ISS:

- Are expected to adhere to the *Code of Conduct* and follow the directions of the ISS staff member.
- Are not permitted to engage in any other school/district activities until the suspension is completed.
- May be subject to an Out-of-School Suspension (OSS) and/or expulsion by the IRSD Board of Education if s/he is unable to complete the period of ISS (i.e. follow the Code of Conduct while in ISS, refusal to attend school for ISS).

Out-of-School Suspensions

The second type of suspension that the Board of Education of the Indian River School District will have is the out-of-school suspension. This type of suspension is very serious and may be assigned by the building administration for a period up to ten (10) school days, and by the Superintendent or designee

for periods in excess of ten (10) school days when an administrative recommendation is to expel the student, assign the student to an alternative program, or if unusual circumstances warrant such action.

Out-of-School Suspension/Grading

Out-of-school suspensions will be regarded as excused absences. A student will be allowed the opportunity to make up and receive full credit for all work and tests missed during the out-of-school suspension. It is the responsibility of the student and/or parent/guardian/caregiver to request class work, homework, assignments, and tests missed during a period of out-of-school suspension. Students and/or parent/guardian/caregiver must request to make up the schoolwork within two (2) days after returning to school. The amount of time permitted for the student to complete the missed work shall be the same amount as for any other excused absences as provided in the Attendance Policy JE.

APPEAL/GRIEVANCE PROCESS FOR SUSPENSIONS

Short-Term Suspension Appeal/Grievance Process

When a student commits a violation, which may result in a short-term (less than 10 days) in or out of school suspension, the following procedures are to be followed:

1. The appeal or grievance may be brought by the student or their parent/guardian/caregiver.
2. The student and/or parent/guardian/caregiver shall have the option to meet with an administrator or designee regarding proposed disciplinary actions within one (1) school day after the charge was issued to them in writing. This informal/private process should be followed in order to resolve differences/problems in friendly and cooperative manner.
3. The student or parent/guardian/caregiver shall have the right to informally appeal disciplinary action in writing to the Principal or their designee within two (2) school days after the charge. The objective is to resolve the matter informally.
4. If the matter is not resolved satisfactorily in the above manner, a written appeal to the superintendent's designee shall be made within two (2) school days of parent/guardian/caregiver receipt of the prior decision concerning discipline. A parent/guardian/caregiver student conference shall be conducted within five (5) school days of appeal and the designee shall give a written decision within five (5) school days of conference. The decision of the superintendent's designee shall be final.
5. Should an appeal be requested after the consequence has been served, the appellant may request that a student's discipline record be erased or corrected for the infraction. Such an appeal must be requested within 30 calendar days of the incident.

Long Term Suspension Grievance Process

When a student commits a violation, which may result in a long-term suspension, the following procedures are to be followed:

1. The appeal or grievance may be brought by the student or their parent/guardian/caregiver, or both.
2. The student and/or parent/guardian/caregiver shall have the option to meet with an administrator or designee regarding proposed disciplinary actions within one (1) school day after the charge was issued to them in writing. This informal/private process should be followed in order to resolve differences/problems in friendly and cooperative manner.
3. Students or parents/guardians/caregivers shall have the right to informally appeal disciplinary action in writing to the Principal or their designee within two (2) school days after the charge. The objective is to resolve the matter informally.
4. If the matter is not resolved satisfactorily in the above manner, a written appeal to the superintendent's designee shall be made within two (2) school days of parent's/guardian's/caregiver's receipt of the prior decision concerning discipline. A parent/guardian/caregiver/student conference shall be conducted within five (5) school days of appeal and the superintendent's designee shall give a written decision within five (5) school days of conference.
5. If the matter is not resolved satisfactorily, a written appeal to the Indian River School District Board of Education shall be made within 2 days of the parent's/guardian's/caregiver's receipt of the prior decision concerning the discipline. The Indian River School District shall consider the appeal at the next regularly scheduled Board meeting and issue a written decision within 5 school days of the meeting.
6. Should an appeal be requested after the consequence has been served, the appellant may request that a student's discipline record be erased or corrected for the infraction. Such an appeal must be requested within 30 calendar days of the incident

CELL PHONES/ELECTRONIC COMMUNICATION DEVICES

Grades K-8

Cell phones and Electronic Communication Devices (ECD) can be a disruption to the school learning environment. Therefore, possession, use or display of cell phones and (ECD) should not be in use in elementary and middle school buildings during normal school hours. This includes the use of smart watches.

- Students must silence and stow away cell phones and ECD prior to entering school.
- Cell phones and ECD may not be retrieved by a student until after the end of the student day as determined by the procedures of the individual school.
- Cell phones and ECD in use during the school day for any reason will be considered a violation of this policy.
- Cell phones and ECD must be surrendered to school district personnel upon request. Failure to do so shall be considered insubordination.

Grades 9-12

Students will be permitted to use their cell phones or ECD for approved instructional purposes within the classroom and during breakfast and lunch periods within the cafeteria. Cell phones are not permitted in any other area of the school.

Students must adhere to the Student Code of Conduct and the Board's acceptable use policy while using their cell phone or other ECD while on school property, including use during after-school activities and at school related functions. Students who inappropriately use their cell phone or ECD at school will be subject to disciplinary action as set forth in the High School Discipline Matrix.

A student is prohibited from using their cell phone or ECD to take unauthorized pictures or to make unauthorized video recordings at school.

After a teacher/administrator has warned a student and contacted the parent/guardian/caregiver for disruption related to their cell phone or ECD, consequences as outlined within the Student Code of Conduct will be administered.

USE OF CELL PHONES ON BUSES

Cell phone and ECD use by students while riding to and from school on the bus, or on the bus during school sponsored activities, shall be at the discretion of the bus driver and/or staff supervising students on the bus. If approval is granted, students must ensure acceptable use that is not in violation of this, or any other, IRSD policy.

The Superintendent or their designee is authorized to establish procedures to determine whether exceptional circumstances require exceptions from this policy. Exceptions must be applied in a consistent manner to serve the best interest of the student population.

The use of cell phones and other electronic communication devices ECD is prohibited in grades K-8. Thus, during the period of confiscation, and at any time when the device is turned over to an employee, the district, each school, and its employees shall not be responsible for safekeeping, loss or damage.

A student's IEP or 504 team shall be authorized to approve exceptions to the above-referenced cell phone and ECD policy for a particular student for educational purposes only.

Indian River School District shall not assume any responsibility for theft, loss, or damage of a cell phone, or unauthorized calls/use of the cell phone.

ASSIGNMENT TO AN ALTERNATIVE PROGRAM/ADMINISTRATIVE PLACEMENT

"Alternative Placement" means the removal of a student from their school on a temporary basis for a period of time as determined by the Alternative Placement Team and assignment to an Alternative Program.

"Alternative Placement Packet" means the documents submitted to the Alternative Placement Team including, but not limited to and as applicable, a student's academic information, behavioral information including reason for referral to Alternative Placement, attendance information, Individualized Education Plan (IEP), 504 plan, and immunization records.

"Alternative Placement Team (APT)" means a committee composed of the following: a representative of the Alternative Program staff; a district level coordinator who will be designated by the superintendent; the building level Principal or their designee, the student's parent/guardian/caregiver; guidance counselor or school social worker; and, if appropriate, a representative from the Department of Services for Children Youth and Their Families (DSCYF) with knowledge of the student's and family's needs. Other individuals may be invited as determined by the APT. The APT reviews and prescribes the appropriate placement for students being considered for Alternative Placement.

"Alternative Placement Team Meeting" means a meeting held by the district's Alternative Placement Team to determine the appropriate educational setting for a student whose behavior is within the defined conduct under 14 **DE Admin. Code** 614 and who has been recommended for Assignment to an Alternative Program.

"Alternative Program" means a school discipline improvement program that provides Appropriate Educational Services that has been created for students whose behavior(s) is within the defined conduct under 14 De Admin Code 614. This includes any programs managed by a school district or the Consortium Discipline Alternative Program (Sussex County Opportunity Program in Education (SCOPE)).

PROCEDURES FOR STUDENT REFERRAL TO AN ALTERNATIVE PLACEMENT

A. Criteria for student referral to an Alternative Placement.

- A Principal or their designee may refer a student for Alternative Placement for any severe disciplinary violation for which Alternative Placement may be a consequence as specified in the district Student Code of Conduct and the student's behavior is within the defined conduct under 14 DE Admin. Code 614.
- A Principal or their designee may refer a student for Alternative Placement for any offense listed in 14 Del. C. §4112. Students ineligible as a result of an offense listed in 14 DE Admin. Code 611 shall not be referred to a Consortium Discipline Alternative Program.
- A Principal or their designee may refer a student for Alternative Placement in conjunction with an Attorney General's Report or court disposition that indicates that the student has been charged with a Violent Felony and/or is a threat to the health, safety, and welfare of others within the School Environment. Students ineligible as a result of an offense listed in 14 DE Admin Code 611 will not be referred to a Consortium Discipline Alternative Program.

- A Principal or their designee may refer a student for Alternative Placement in conjunction with chronic disruptive behaviors which result in Repeated Violations of the Student Code of Conduct after all school-based best practice interventions have been put into place for said student. This may include, but is not limited to, counseling services, the development and implementation of a behavior support or modification plan, mentoring, referral to mediation, and participation in an available In-School Alternative Program.

B. Student Referral Which May Lead to Alternative Program Placement.

When it is alleged that a student committed a violation of the Student Code of Conduct and may be subject to a recommendation for Alternative Placement, the following procedures shall occur:

- The Principal or their designee will conduct a preliminary investigation to determine if there is reasonable basis to pursue disciplinary action.
- If the preliminary investigation verifies that disciplinary action may be warranted, initial due process procedures will be followed.
- After the student has been afforded initial due process procedures, and if the Principal or their designee decides that disciplinary action will be taken, the student and parent/guardian/caregiver shall be notified.
- The Principal or their designee may impose a Short-term Suspension. If the student is suspended, the student and the parent/guardian/caregiver shall be provided a copy of a Suspension form that includes a written notice of the Student Code of Conduct violation(s).
- If the Principal or their designee decides that the Disciplinary Action should be a referral for an Alternative Placement, the Principal or their designee shall compile an Alternative Placement Packet for the student. The Alternative Placement Packet may also include other relevant information at the discretion of the Principal or their designee.
- For all referrals for Alternative Placement for a general education or special education student, the Principal or their designee shall hold a Building Level Conference with the parent/guardian/caregiver and the student.
- The Principal or their designee shall explain to the parent/guardian/caregiver and the student the purpose of the meeting is to inform them: 1) of the referral for Alternative Placement; 2) that the student may be suspended pending the outcome of the district Alternative Placement Team Meeting and; 3) of the procedures that will take place as follow-up to the referral for Alternative Placement. The conference shall be held by phone or in person. The Principal or their designee will have at least one other person present to take notes during the conference or shall have the conference audio recorded.
- Notice of the Alternative Placement Meeting will be mailed to the parent/guardian/caregiver and the student via regular U.S. and certified mail at least five business days before the meeting is to occur.

C. Alternative Placement Meeting

- An Alternative Placement Meeting shall take place to determine if an alternative setting is appropriate for a referred student.
- The District will provide the parent/guardian/caregiver and student with verbal and written notification of the district's Alternative Placement Meeting. Parents/guardians/caregivers and the student may, but are not required to, attend the meeting.
- The District will inform the parent/guardian/caregiver and student of the district Alternative Placement Team's decision for placement within one (1) business day of the meeting.
- If the decision is to assign to an Alternative Placement, the Superintendent will send follow-up written notice within three (3) business days to the parent/guardian/caregiver describing the circumstances which led to the placement, identifying the Alternative Program to which the student is being assigned, and the conditions which must be met in order for the student to return to the regular school program.
- The assignment to an Alternative Program and intake procedures outlined in 14 DE Admin C. § 611 will be followed.

Grievance Procedures for Alternative Placement Decisions:

A written appeal may be submitted by the student, parent/guardian/caregiver to the Superintendent within 3 days of receipt of the Alternative Placement Team Decision. The Superintendent or designee will issue a written decision within 5 school days after receipt of the appeal. The decision of the Superintendent or designee is final.

EXPULSION

"Expulsion" is disciplinary action approved by the Board of Education resulting in a student being removed from the regular school program for a duration not to exceed the total number of student days in a school year. An expelled student is not eligible to enroll in any other Delaware public school during the period of the expulsion and until any reasonable terms of the expulsion are fulfilled.

Preliminary Procedures for the Expulsion of Students

When it is alleged that a student committed a violation of the Student Code of Conduct and may be subject to a recommendation for Expulsion, the following procedures shall be followed:

- The Principal or their designee will conduct a preliminary investigation to determine if there is reasonable basis to pursue disciplinary action.
- If the investigation verifies that disciplinary action may be warranted, initial due process procedures will be followed.

After the student has been afforded initial due process procedures, if the Principal or their designee decides that disciplinary action in the form of a recommendation for Expulsion will be made, the following procedures will be followed:

- The student will be given written notice of charges and the parent/guardian/caregiver will be notified verbally and in writing as soon as practicable thereafter.
- The student will be given a short-term suspension and the parent/guardian/caregiver will be provided a copy of a Suspension form that includes a written notice of the Student Code of Conduct violation(s).
- The Principal or their designee will hold a Building Level Conference with the parent/guardian/caregiver and the student. The Principal or their designee will explain to the parent/guardian/caregiver and the student the purpose of the meeting is to inform them:
 - 1) of the recommendation for Expulsion; 2) that the student will be serving a Short-term Suspension pending the outcome of the Expulsion hearing and; 3) of the procedures that will take place as follow-up to the recommendation for Expulsion.
- The conference shall be held by phone or in person. The Principal or their designee will have at least one other person present to take notes during the conference or will have the conference audio recorded.
- Documentation related to the recommendation for Expulsion will be delivered to the Superintendent within two (2) business days of the Building Level Conference or seven (7) business days of the incident, whichever is sooner.

EXPULSION HEARINGS

1. Upon receipt of a recommendation following the Building Level Conference, the Superintendent will review documentation to affirm that appropriate discipline procedures were followed. The Superintendent will, within ten (10) business days of the date of the incident, notify the student and the parent/guardian/caregiver by letter that a district-level Expulsion hearing will be held to consider the recommendation.
2. Written notice shall, at a minimum, be sent by regular U.S. and certified mail to the parent/guardian/caregiver describing the circumstances which led to the recommendation for Expulsion and shall give the date, time, and location of the hearing.
3. The hearing will be held not less than seven (7) business days or more than twenty (20) business days after receipt of written notice. The written notice shall be deemed to be received on the fourth business day following the day of mailing. This time period may be waived by agreement of the parties. A copy of the documentation shall be made available, upon request, to the student and parent/guardian/caregiver at the district office prior to the mailing.
4. If requested, the student and parent/guardian/caregiver will also be given a copy of the following: the reason(s) for the recommendation; the name(s) of witnesses who may appear; and copies of information that may be submitted as evidence.
5. The hearing shall be conducted by a district's Board of Education or Hearing Officer.

6. The Board of Education or Hearing Officer shall have full authority to admit or exclude evidence.
7. Evidence presented at the Expulsion hearing may include, but is not limited to, witness statements, police or Attorney General's Reports, and photocopies of evidence.
8. The Board of Education or Hearing Officer is not bound by common law or statutory rules of evidence or by technical or formal rules of procedure.
9. The Board of Education or Hearing Officer may exclude plainly irrelevant, immaterial, insubstantial, cumulative and privileged evidence.
10. The Board of Education or Hearing Officer may limit unduly repetitive proof, rebuttal and cross examination.
11. In conducting the hearing, the district shall submit evidence first followed by the response of the student, if any.
12. Further evidence by either party may be presented at the hearing if the Board of Education or Hearing Officer determines such evidence is necessary.
13. The Superintendent presenting the case on the part of the district shall not testify.
14. The hearing shall be recorded in a manner that will permit transcription.
15. The student shall have the following rights: to be represented by legal counsel at the student's expense; to cross-examine witnesses; to testify and produce witnesses on their behalf; and to obtain, at the student's expense, a copy of the transcript of the hearing.
16. In lieu of a formal Expulsion hearing, a student may elect to waive the hearing and admit to the student's violation charge(s). The student and parent/guardian/caregiver shall submit a signed written hearing waiver which indicates that the student is knowingly and voluntarily waiving their right to the hearing. Such election may be exercised until the commencement of the hearing. This waiver does not absolve the student from required consequences under Federal or State Law or the Student Code of Conduct.

EXPULSION DECISION BY BOARD OF EDUCATION

Decision after Hearing Officer Presides over Hearing

- Within five (5) business days following the conclusion of an Expulsion hearing conducted by a Hearing Officer, a written report shall be prepared by the Hearing Officer for the Superintendent.

- The report shall frame the issues, summarize the evidence, state conclusions of fact, and make a recommendation as to whether the student should be expelled.
- The Board of Education shall make its decision at the next scheduled public Board Meeting or additional scheduled public board meeting for the sole purpose of deciding on the student disciplinary matter in question.
- The Board shall conduct a review of the Hearing Officer's recommendation. The Board may accept, reject, or modify the recommendation of the Hearing Officer. The Board's decision shall be in writing and shall be based solely upon the report from the Hearing Officer and the record of the Expulsion hearing, if any.
- Any decision to expel a student will be reported to the Delaware Department of Education within five (5) business days of the Board's decision to expel. When a Board of Education expels a student, but determines the student shall not be placed at a Consortium Discipline Alternative Program, the written decision will address with specificity the reason for non-placement and the evidence in support thereof. Such decisions will be submitted to the Delaware Department of Education's Office of School Climate and Discipline within five business days of such decision, with a copy to the student's parent/guardian/caregiver.

Decision after Board of Education Presides over Hearing

- Following the conclusion of an Expulsion hearing conducted by the Board of Education, the Board shall frame the issues, summarize the evidence, state conclusions of fact and render its decision.
- The Board's decision shall be in writing and shall be based solely upon the record of the Expulsion hearing of which it presided over.
- Any decision to expel a student will be reported to the Delaware Department of Education within five (5) business days of the Board's decision to expel. When a Board of Education expels a student, but determines the student shall not be placed at a Consortium Discipline Alternative Program, the written decision will address with specificity the reason for non-placement and the evidence in support thereof. Such decisions will be submitted to the Delaware Department of Education's Office of School Climate and Discipline within five business days of such decision, with a copy to the student's parent/guardian/caregiver.

Decision After Waiving of Hearing Rights and Admission to Violation Charges

Within five (5) business days following the waiving of hearing rights and admission of violation charges, the Superintendent will prepare a report for the Board of Education's action at its next public board meeting or an additional scheduled public board meeting for the sole purpose of deciding on the student disciplinary matter in question.

Alternative Programs

Eligible expelled students shall be placed in a Consortium Discipline Alternative Program in accordance with 14 *Del. C.* §1604 and 14 DE Admin. Code §611. The Board shall determine if the students not eligible for placement in a Consortium Discipline Alternative Program shall be expelled with or without Appropriate Educational Services.

Notice of Appeal Rights

Within ten (10) business days of the decision by the Board, the Board, through its designee, shall submit its decision to the Superintendent and parent/guardian/caregiver and student in writing. The written decision shall include notice of the right to appeal to the State Board of Education.

Miscellaneous Information Regarding Expulsions

Assignment to an alternative program is the removal of a student from the regular school program due to continuing violations of school regulations or public laws dealing with school operations. This procedure may be implemented in lieu of an expulsion and agreed upon with student, the student's parent/guardian/caregiver, building administrator and Administrator of Student Services. Alternative program placement is designed to meet the student's particular needs and may be located at the Sussex County Opportunity Program in Education (SCOPE). Assignment to an available alternative program will be made according to procedures established for the program, Delaware Education Administrative Code Title 14/611 6.0.

Any student who is expelled at any time during a school year will not receive any credit for that school year unless the work for the credit has been completed prior to the expulsion or the student successfully completes a term of referral at an alternative school, as directed by the Board of Education. An expulsion shall commence with the day on which the violation occurred; this will be the last day the student is in school.

A student who is expelled or in an alternative placement setting is banned from school property and may not attend any school function during the period of the expulsion. If a student is scheduled for an expulsion hearing and withdraws prior to the hearing, the student will be banned from school property and not allowed to attend any school functions for 180 school days from the date of the withdrawal or until the expulsion has been formally completed. If the student withdraws after the expulsion hearing, but prior to board review of the hearing officer's recommendations, the student will be banned from school property and not allowed to attend any school functions for 180 school days from the date of the withdrawal.

Students expelled and referred to the Sussex County Opportunity Program in Education (SCOPE) must successfully meet that school's daily requirement for acceptable behavior for the full term of the expulsion.

Students who have successfully met a minimum of 50% of their assigned time at the alternative school may apply to that school's staff for early release. Such application shall be based upon exemplary accomplishments in regular attendance, earned grades, appropriate behaviors with peers and staff, and adherence to rules.

The administrators and staff of the sending school shall convene and consider the request.

If approved, a Behavior Contract shall be signed by the student, parent/guardian/caregiver(s), and building Administrator, specifying the conditions of the early release.

Under normal circumstances, the matter shall be handled by appropriate district personnel and will neither require nor entitle the pupil to another formal hearing. However, the Board of Education shall be informed of each case which results in an early release. Once informed of the early release and based upon the recommendation of the building administrative staff, the board will have the option of ending the student's expulsion.

The following definitions shall be used for student conduct which may result in alternative placement or expulsion of a student:

"Arson" means a person recklessly or intentionally damages a building by intentionally starting a fire or causing an explosion.

"Assault II" (Felony) shall mean intentionally causes serious physical injury or uses a **Deadly Weapon** or dangerous instrument during the commission of the crime.

"Assault III" means: (1) A person intentionally or recklessly causes physical injury to another person; or (2) With criminal negligence the person causes physical injury to another person by means of a **Deadly Weapon** or a **Dangerous Instrument**.

"Attorney General's Report (Juvenile Arrest Warrant and Complaint)" means the Department of Justice's report of out-of-school criminal conduct, regardless of jurisdiction, which shows disregard for the health, safety and welfare of others, including, but not limited to acts of violence, weapons offenses, and drug offenses.

"Breaking and Entering" means unauthorized entry of any locked area of the school environment during or after school; including, but not limited to, rooms, classrooms, auditorium, gym, shops, offices, lockers, cabinets and vehicles.

"Bullying" means any intentional written, electronic, verbal or physical act or actions against another student, school volunteer or school employee that a reasonable person under the circumstances should know will have the effect of: (1) Placing a student, school volunteer or school employee in reasonable fear of substantial harm to his or her emotional or physical well-being or substantial damage to his or her

property; or (2) Creating a hostile, threatening, humiliating or abusive educational environment due to the pervasiveness or persistence of actions or due to a power differential between the bully and the target; or (3) Interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities or benefits; or (4) Perpetuating bullying by inciting, soliciting or coercing an individual or group to demean, dehumanize, embarrass or cause emotional, psychological or physical harm to another student, school volunteer or school employee.

"Criminal Deadly Weapons/Dangerous Instrument Offense, Commission of" means the Commission by a student of an offense prohibited by 11 Del. C. §§1442 through 1460 inclusive.

"Criminal Drug Offense, Commission of" means the Commission by a student of the unlawful Possession, Distribution, or use of Alcohol, a Drug, a Drug-Like Substance, and/or Drug Paraphernalia.

"Criminal Mischief (Vandalism)" means a student, in the School Environment, intentionally or recklessly: (1) Damages tangible property of another person or entity; or (2) Tampers with tangible property of another person so as to endanger person or property.

"Criminal Sexual Offense, Commission of" means the Commission by a student of an offense prohibited by 11 Del. C. §§763 through 780B and §§1108, 1112B and §1352 through §1353.

"Criminal Violent Felony Offense, Commission of" means the Commission by a student of any violent felony as specified in 11 Del. C. §4201(c).

"Cyberbullying" means the use of uninvited and unwelcome electronic communication directed at an identifiable student or group of students, through means other than face-to-face interaction, which (1) interferes with a student's physical well-being; or (2) is threatening or intimidating; or (3) is so severe, persistent, or pervasive that it is reasonably likely to limit a student's ability to participate in or benefit from the educational programs of the school district or charter school. Communication shall be considered to be directed at an identifiable student or group of students if it is sent directly to that student or group, or posted in a medium that the speaker knows is likely to be available to a broad audience within the school community.

"Dangerous Instrument Possession/Concealment/Sale" means the unauthorized possession, concealment, or sale by a student in the School Environment of any instrument, article or substance which is readily capable of causing serious physical injury or death.

"Deadly Weapon" includes a firearm (any weapon from which a shot, projectile or other object may be discharged by force of combustion, explosive, gas and/or mechanical means, whether operable or inoperable, loaded or unloaded. It does not include a BB gun), a bomb, a knife of any sort (other than an ordinary pocketknife carried in a closed position), switchblade knife, billy, blackjack, bludgeon, metal knuckles, slingshot, razor, bicycle chain or ice pick or any "dangerous instrument" (any instrument, article or substance which, under the circumstances in which it is used, attempted to be used or

threatened to be used, is readily capable of causing death or serious physical injury, or any disabling chemical spray or any electronic control devices including but not limited to a neuromuscular incapacitation device designed to incapacitate a person), which is used, or attempted to be used, to cause death or serious physical injury. For the purpose of this definition, an ordinary pocketknife shall be a folding knife having a blade not more than 3 inches in length

"Deadly Weapon Possession/Concealment/Sale" means the possession, concealment, or sale of a Deadly Weapon in the School Environment.

"Defiance of School Authority" means: (1) A verbal or non-verbal refusal to immediately comply with a reasonable request from school personnel, or refusal to identify oneself at the request of school personnel, and/or refusal to comply with disciplinary action; or (2) A verbal or non-verbal display of disrespect and/or uncivil behavior toward school personnel which either causes a substantial disruption or material interference with school activities.

"Disorderly Conduct" means conduct in the School Environment which causes public inconvenience, annoyance or alarm or creates a risk thereof by: engaging in fighting or violent tumultuous or threatening behavior or making an unreasonable noise or an offensively coarse utterance or gesture or display or addressing, abusive language to any person present.

"Distribution of Drugs and/or Alcohol and/or Drug Paraphernalia" means the sale, transfer, or distribution in school, on school property, or on school field trip of drugs or alcohol.

"Extortion" means to obtain or attempt to obtain money, goods, services, or information from another by force or the threat of force.

"Felony Theft (\$1500 or more)" means: (a) When a person takes, exercises control over or obtains property of another person intending to deprive that person of it or appropriate it; or (b) When a person, in any capacity, legally receives, takes, exercises control over or obtains property of another which is the subject of Theft, and fraudulently converts the property to the person's own use. The Theft is considered a felony when the value of the property received, retained, or disposed of is \$1500 or more or the victim is 62 years of age or older, or an "adult who is impaired" as defined in § 3902(2) of Title 31, or a "person with a disability" as defined in § 3901(a)(2) of Title 12.

"Fighting" means any aggressive physical altercation between two or more individuals.

"Gambling" means participation in games of chance for money or other things of value.

"Gun Free Schools Violation" means students are prohibited from bringing a Firearm into the School Environment or possessing a Firearm while in the School Environment.

"Harassment" means any actions or statements made with the intent to harass, annoy, or alarm another person which: A) insults, taunts, or challenges the other person or; B) is a cause of alarming or distressing conduct which serves no legitimate purpose and is done in a manner which the actor knows is likely to provoke a violent or disorderly response or cause a reasonable person to suffer fear, alarm, or distress.

"Indecent Exposure in the 1st Degree" (Class A Misdemeanor) shall mean a male who exposes his genitals or buttocks to a person who is less than 16 years of age under circumstances in which he knows his conduct is likely to cause affront or alarm. Also, a female who exposes her genitals, breast or buttocks to a person who is less than 16 years of age under circumstances in which she knows her conduct is likely to cause affront or alarm.

"Indecent Exposure in the 2nd Degree" (Unclassified Misdemeanor) shall mean a male who exposes his genitals or buttocks under circumstances in which he knows his conduct is likely to cause affront or alarm to another person. Also, a female who exposes her genitals, breast or buttocks under circumstances in which she knows her conduct is likely to cause affront or alarm to another person.

"Inhalant Abuse" means chemical vapors that are inhaled for their mind-altering effects.

"Medications: Inappropriate Use or Possession" means Possessing or using Nonprescription Medication or Prescription Drugs of any type in the School Environment in violation of 14 DE Admin. Code 612.

"Misuse of Technology" means:

The use of school technology equipment in:

Soliciting, using, receiving or sending pornographic or obscene material; or

Accessing unauthorized email; or

The unauthorized downloading and/or installing of files; or

Intentionally damaging technology equipment in the School Environment; or

A situation in which a student deliberately:

Tampers with, damages, alters, accesses, crashes, or corrupts the computer/communications system in the School Environment resulting in the loss or corruption of information or the ability of the system to operate; or

In any way disrupts or degrades the school or District's technology infrastructure.

"Offensive Touching" means intentionally touching another person either with a member of his or her body or with any instrument, knowing that the person is thereby likely to cause offense or alarm to such other person; or Intentionally striking another person with saliva, urine, feces or any other bodily fluid, knowing that the person is thereby likely to cause offense or alarm to such other person.

"Pornography" means the possession, sharing, or production of any known obscene material in the School Environment.

"Rape or Attempted Rape" means sexual intercourse and attempted Sexual Intercourse without consent of the victim in both cases.

"Reckless Burning" means when a person intentionally or recklessly starts a fire or causes an explosion and recklessly places a building or property in danger of destruction or damage or places another person in danger of physical injury.

"Repeated Violations of Student Code of Conduct" means five or more violations of the school's Code of Conduct within a school year, excluding chronic infractions for tardiness or unexcused absences to school/class.

"Safe School Zone" means any building, structure, athletic field, sports stadium, or real property owned, operated, leased or rented by the District; or any motor vehicle owned, operated, leased or rented by the District.

"Sexual Assault" means any unwanted sexual behavior committed by a perpetrator who is a stranger to the victim or by a perpetrator who is known by the victim or related to the victim by blood, marriage or civil union. Behaviors that fall under this definition include but are not limited to: sexual harassment as defined in §763 of Title 11; sexual contact as defined in §761 of Title 11; Sexual Intercourse as defined in §761 of Title 11; sexual penetration as defined in §761 of Title 11; and child sexual abuse as defined in §901 of Title 10.

"Sexual Misconduct" means a consensual sexual act or acts between individuals within the School Environment.

"Stealing" means taking, exercising control over or obtaining property of another person intending to deprive that person of it or appropriate it.

"Steroids Possession and/or Use" means the unlawful use or possession of steroids.

"Tampering with Public Records" means a person knowingly without valid authorization removes, mutilates, destroys, conceals, makes a false entry in or falsely alters any original record or other written material filed with, deposited in or otherwise constituting a record of a public office or public servant.

"Teen Dating Violence" means assaultive, threatening or controlling behavior, including stalking as defined in 11 Del. C. §1312, that one person uses against another person in order to gain or maintain power or control in a current or past relationship. The behavior can occur in both heterosexual and same sex relationships, and in serious or casual relationships.

"Terroristic Threatening" means when: (1) A person threatens to commit any Crime likely to result in death or in serious injury to person or property; or (2) A person commits an act with intent of causing an individual to believe that the individual has been exposed to a substance that will cause the individual death or serious injury.

"Terroristic Threatening - Security Threat" means when a person makes a false statement or statements: (1) Knowing that the statement or statements are likely to cause evacuation in the School Environment; (2) Knowing that the statement or statements are likely to cause serious inconvenience in the School Environment; or (3) In reckless disregard of the risk of causing terror or serious inconvenience in the School Environment.

"Unlawful Sexual Contact III" means when a student has sexual contact with another person or causes the victim to have sexual contact with the student or a third person and the student knows that the contact is either offensive to the victim or occurs without the victim's consent.

"Use and/or Possession of a Drug and/or Alcohol and/or Drug Paraphernalia" means that in the School Environment a student unlawfully possesses, uses or is under the influence of Alcohol, a Drug, Drug Paraphernalia, or any substance or paraphernalia consistent with the definitions of these substances or paraphernalia.

"Violation of Behavior Contract" means the failure of a student to comply with the provisions of any behavior contract between the student, the student's parent/guardian/caregiver and the school.

The following is a list of Student Code of Conduct violations which may be subject to a recommendation for expulsion or assignment to Alternative Placement. The list is not all inclusive of expellable offenses; therefore, other offenses may also warrant expulsion.

- a. A student who physically or verbally abuses a teacher, administrator, or any other school district employee may be liable for expulsion and prosecution by law.
- b. A student who violates the narcotics, alcoholic beverages, and stimulant drugs section of this policy shall be expelled except that for certain violations the expulsion can be waived.
- c. A student who engages in a **criminal** sexual offense (i.e., sexual contact, sexual penetration, sexual intercourse) while under the jurisdiction of the Indian River School District may be liable for expulsion and prosecution by law. A student who engages in a **non-criminal** sexual offense for the **first** time (i.e., sexual contact, sexual penetration, sexual intercourse) while under the

jurisdiction of the Indian River School District will be suspended out of school for up to three (3) school days.

- d. A student who recklessly or intentionally causes physical injury to another person while under the jurisdiction of the Indian River School District may be liable for expulsion and prosecution by law.
- e. A student who has been suspended out of school or who has been assigned to CAMP on one or more occasions during a school year may be expelled by the Board of Education.
- f. A student who possesses, uses, attempts to use, or threatens to use a dangerous/Deadly weapon, tool or instrument to inflict harm to another individual while under the jurisdiction the Indian River School District may be expelled by the Board of Education.
- g. A student who is determined to have brought a Firearm to the School Environment, or to have possessed a Firearm in the School Environment, shall result in expulsion for a period of not less than 180 days. The Superintendent shall modify such expulsion requirement to the extent a modification is required by Federal/State law or State Board regulation. For purposes of this appendix, "Firearm" is defined in Section 921 of Title 18, United States code (see attached definition of "Firearm"). Special exceptions to this policy may be considered to allow the Board of Education to modify the expulsion requirement on a case-by-case basis. Considerations respective of age and/or special needs of the student will be weighed. Any modification of the expulsion requirement must be reported to the Delaware Department of Education.
- h. A student who communicates the possession of a bomb or other incendiary device, or has communicated or facilitated the communication of a bomb threat against any facility, school property, school bus, or at a school bus stop or at any school-sponsored event or activity within the Indian River School District or under the jurisdiction of the Indian River School District may be liable for expulsion and prosecution by law.
- i. Once an Attorney General's Report (***Juvenile/Adult Warrant and Complaint***) is received by the district in support of student out-of- school criminal conduct, regardless of the jurisdiction, which shows disregard for the health, safety and welfare of others, including, but not limited to acts of violence, sexual offenses, weapons offenses and drug offenses, the District has the discretion to take action. Such action may include, but is not limited to, student or parent/guardian/caregiver conference, safety planning and disciplinary action, including expulsion.

STUDENT RECORDS

When a student is expelled and there is no waiver of that expulsion, an indication of the expulsion, and the reason therefore, will be made a part of the student's permanent record. This indication will be made

before the student's record is released or prior to graduation, whichever comes first. If a student violates any provision of this policy which could lead to expulsion and subsequently, but prior to the actual expulsion, ceases to be an official student of the Indian River School District, the student's permanent record will indicate any action taken as a result of that violation, up until the time the student ceased to be an official student of the district.

Attorney General reports are not a part of a student's permanent record. However, they are included in the expulsion packet and will be a part of manifestation meetings and expulsion hearings.

RECIPROCAL EXPULSION

A student expelled and/or pending an expulsion or currently in an alternative placement setting from a public or private school in the State of Delaware or any other state, including Sussex County Vocational Technical School District, will not be permitted to attend a school in the Indian River School District until the student has completed the expulsion period defined by the school district that assigned the expulsion.

SOCIAL PROBATION

Social probation will be assigned as a consequence for students who are suspended in-school, out of school, to include CAMP placement, for disciplinary reasons. While on social probation, the student may only attend regularly scheduled classes during the hours that the school is normally open to students. The student will not engage in or attend activities of any nature within the jurisdiction or property of the Indian River School District after regular school hours. If a student is placed on social probation, they shall not be allowed:

- To be in the school or on school grounds beyond regular school hours (normal school academic day). Graduation exercises are to be considered part of the regular school day for graduating seniors. The Principal or their designee may make graduation exceptions as needed in their schools in consultation with the Assistant Superintendent.
- To attend, as a participant or spectator, any school sponsored event after school hours or on weekends, or any school social activities such as parties, dances, trips, or proms during the period of assigned social probation.

Social probation begins at the time of the infraction and continues through the end of the day of the last day social probation is assigned.

*Policy KNAJ also outlines Search and Seizure language.

GUN-FREE SCHOOL POLICY

I. PURPOSE

To set forth a policy that establishes a gun free school zone in accordance with state and federal law.

II. DEFINITIONS

“Safe School Zone” Any building, structure, athletic field, sports stadium or real property owned, operated, leased or rented by the District; or Any motor vehicle owned, operated, leased or rented by the District.

“Deadly weapon” includes a firearm (any weapon from which a shot, projectile or other object may be discharged by force of combustion, explosive, gas and/or mechanical means, whether operable or inoperable, loaded or unloaded. It does not include a BB gun), a bomb, a knife of any sort (other than an ordinary pocketknife carried in a closed position), switchblade knife, billy, blackjack, bludgeon, metal knuckles, slingshot, razor, bicycle chain or ice pick or any “dangerous instrument” (any instrument, article or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or serious physical injury, or any disabling chemical spray or any electronic control devices including but not limited to a neuromuscular incapacitation device designed to incapacitate a person), which is used, or attempted to be used, to cause death or serious physical injury. For the purpose of this definition, an ordinary pocketknife shall be a folding knife having a blade not more than 3 inches in length.

“Firearm” is defined in Section 921 of Title 18, United States code.

“Gun Free Schools Violation” shall mean students are prohibited from bringing a Firearm into a Safe School Zone, or Possession of a Firearm while in a Safe School Zone.

III. POLICY STATEMENT

The board of education supports Delaware’s establishment of a gun free school zone and therefore prohibits possession of a firearm or other deadly weapon while in or on a Safe School Zone.

Therefore, the District prohibits any person from bringing, possessing or transferring a Firearm or Deadly Weapon in a Safe School Zone, including those individuals who have a permit to carry a concealed weapon.

A student who is determined to have brought a Firearm to the School Environment, or to have possessed a Firearm in the School Environment, shall result in expulsion for not less than a period of one school year. The Superintendent shall modify such expulsion requirement to the extent a modification is required by Federal/State law or State Board regulation.

Special exceptions to this policy may be considered to allow the Board of Education to modify the expulsion requirement on a case-by-case basis. Considerations respective of age and/or special needs of the student will be weighed. Any modification of the expulsion requirement must be reported to the Delaware Department of Education.

IV. EXCEPTIONS

The following are exceptions to possession of a firearm while in a Safe School Zone:

- (1) Police officer
- (2) A constable employed by a school or school district who is acting in an official capacity within a Safe School Zone.
- (3) An active-duty member of the United States Armed Forces or Delaware National Guard who is acting in an official capacity within a Safe School Zone.
- (4) A holder of a valid license to carry concealed deadly weapons issued by the Superior Court, but only if the firearm is in a motor vehicle.
- (5) Employees of the Department of Services for Children, Youth, and Their Families who are authorized by the Secretary of the Department to carry a firearm or projectile weapon while acting in the employee's official capacity.
- (6) Probation and parole officers acting within the officer's official capacity.
- (7) A qualified retired law-enforcement officer who is employed or contracted by a school or school district to assist with security or investigations and who is acting in an official capacity within a Safe School Zone.
- (8) A firearm in a locked container or locked firearms rack that is in or on a motor vehicle (other than students).
- (9) Weapons possessed pursuant to an authorized course of school instruction, or for the purpose of engaging in any school-authorized sporting or recreational activity.

V. GUIDELINES

Gun Free Schools Act (20 U.S.C. §7961)
Delaware Regulation 603

Adopted 4/28/87

Revised 5/26/87, 9/29/87, 1/1/88, 4/26/88, 5/24/88, 8/28/90, 2/26/91 (effective 7/1/91), 6/25/91, 6/23/92, 12/22/92, (Effective 2/1/93), 2/22/94, 8/23/94, 11/22/94, 3/28/95, 3/26/96, 6/24/97, 11/23/98, 4/16/99, 5/24/99

4/18/00, 12/19/00, 12/18/01, 10/21/02, 5/27/03, 9/23/03, 4/27/04, 5/25/04, 6/15/04, 7/27/04, 6/21/05, 4/24/07, 6/19/07, 3/18/08, 7/22/08, 12/16/08, 6/23/09, 10/20/09, 5/25/10, 8/9/10, 1/25/11, 10/25/11, 1/24/12, 02/28/12, 04/17/12, 11/27/12, 5/21/13, 10/28/13, 7/1/14, 5/18/15, 12/22/15, 11/29/17, 7/29/19, 10/28/19, 11/23/20, 4/25/22, 7/24/23, 4/22/24, 3/25/25